

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

In re:	)	
	)	
CARTER'S GROVE, LLC,	)	Bankruptcy Case No: 11-51330
	)	
Debtor.	)	Chapter 11
_____	)	
CARTER'S GROVE, LLC,	)	Adv. Proc. No. 11-05027-SCS
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
COLONIAL WILLIAMSBURG FOUNDATION,	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION AND ORDER TO EXTEND DEFENDANT COLONIAL WILLIAMSBURG  
FOUNDATION'S DEADLINE FOR RESPONDING TO  
PLAINTIFF'S COMPLAINT**

This Stipulation is made and entered into by and between Carter's Grove, LLC (the "Debtor"), the plaintiff in the above-captioned adversary proceeding (this "Adversary Proceeding"), and The Colonial Williamsburg Foundation ("CWF"), the defendant in the Adversary Proceeding, and is based on the following facts:

**RECITALS**

1. On June 24, 2011, the Debtor filed the *Complaint Regarding: (A) Objection To Claim Filed By The Colonial Williamsburg Foundation, (B) Counterclaims For (I) Fraudulent Concealment, (II) Cost Recovery Under CERCLA, And (III) Declaratory Judgment* (the "Complaint") against CWF in the United States Bankruptcy Court for the Northern District of California (the "California Bankruptcy Court").

2. The Summons for the Complaint was issued on June 27, 2011.

3. A response to the Complaint is currently due to be filed with the United States Bankruptcy Court for the Eastern District of Virginia, Newport News Division (the "Court") on or before July 27, 2011.

4. On July 14, 2011, the California Bankruptcy Court entered its *Order Granting Motion To Transfer Venue Of Chapter 11 Case And Related Adversary Proceeding To Newport News, Virginia* [Docket No. 74] (the "Transfer Order"). Pursuant to the Transfer Order, the California Bankruptcy Court ordered the transfer of both the Debtor's main chapter 11 case and this Adversary Proceeding, to this Court, effective immediately upon entry of the Transfer Order.

5. In light of the recent transfer of the Debtor's case and this Adversary Proceeding, the need for both parties to transition these matters to counsel in Virginia, and the time that will be required to complete the administrative process of transferring these matters from the California Bankruptcy Court to this Court, the Debtor and CWF have stipulated to extend the time for CWF to respond to the Complaint by thirty (30) days through and including August 27, 2011.

6. For these same reasons, CWF has consented to a 60-day extension of the Debtor's 180-day period set forth in Bankruptcy Code section 1121(c)(3), during which the Debtor may exclusively solicit acceptances of its *Plan Of Reorganization Of Carter's Grove, LLC*, filed on June 14, 2011 [Docket No. 60], as may be amended. The Debtor and CWF will enter into a separate stipulation memorializing such agreement, and will file such stipulation in the Debtor's main chapter 11 case.

**NOW, THEREFORE**, subject to the approval of this Court, it is hereby stipulated and agreed that:

The deadline for CWF to answer or otherwise respond to the Complaint shall be continued through and including August 27, 2011.

**[SIGNATURES CONTINUE ON NEXT PAGE]**

IT IS SO ORDERED this \_\_\_\_\_ day of August 2011.

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Honorable Stephen C. St. John  
United States Bankruptcy Judge

Stipulated and Agreed:

/s/ Tara L. Elgie  
Gregory N. Stillman  
HUNTON & WILLIAMS, LLP  
500 East Main, Suite 1000  
Norfolk, Virginia 23510-3889  
Telephone: (757) 640-5300  
Facsimile: (757) 625-7720  
gstillman@hunton.com

Tara L. Elgie, VSB No. 48259  
HUNTON & WILLIAMS LLP  
Riverfront Plaza, East Tower  
951 E. Byrd Street  
Richmond, VA 23219  
Telephone: (804) 788-8200  
Facsimile: (804) 788-8218  
telgie@hunton.com  
*Counsel for The Colonial Williamsburg Foundation*

Stipulated and Agreed:

/s/ Robert S. Westermann  
DEBRA I. GRASSGREEN (State Bar No. 169978)  
dgrassgreen@pszjlaw.com  
JOHN W. LUCAS (State Bar No. 271038)  
jlucas@pszjlaw.com  
PACHULSKI STANG ZIEHL & JONES LLP  
150 California Street, 15th Floor  
San Francisco, CA 94111-4500  
Telephone: (415) 263-7000  
Telecopy: (415) 263-7010

Robert S. Westermann (VSB No. 43294)  
Sheila deLa Cruz (VSB No. 65395)  
Hirschler Fleischer, P.C.  
The Edgeworth Building  
2100 East Cary Street  
Richmond, Virginia 23223  
Telephone: (804) 771-9500  
Telecopy: (804) 644-0957  
Email: rwestermann@hf-law.com  
sdelacruz@hf-law.com  
*Counsel for Carter's Grove, LLC, Debtor*

**Local Rule 9022-1 Certification**

In accordance with Local Rule 9022-1, the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Tara L. Elgie

Tara L. Elgie, Esq., VSB No. 48259

HUNTON & WILLIAMS LLP

Riverfront Plaza, East Tower

951 E. Byrd Street

Richmond, VA 23219

Telephone: (804) 788-8200

Facsimile: (804) 788-8218

*Counsel for The Colonial Williamsburg Foundation*